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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,268	09/15/2003	D. Scott Dewald	TI-32510.1	9029
23494	7590	07/05/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			CRUZ, MAGDA	
P O BOX 655474, M/S 3999				
DALLAS, TX 75265			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,268

Applicant(s)

DEWALD ET AL.

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Comment

1. In view of the following prior art, the Allowance mailed on 06/06/2005 is withdrawn and prosecution is reopened.

Claim Objections

2. Claim 22 is objected to because of the following informalities:
 - a. In line 3, the claim recites "on said projection light path", when on the previous line the claim read "on a projection light path axis". The applicant is reminded to be consistent on the claim language.
 - b. Claim 22 recites the limitation "first and second groups" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2-4 are 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurtz et al.

Kurtz et al. (US Patent Number 5,155,596) discloses:

- Regarding claims 2, 16-17 and 22-23, a first lens group (Figure 1, element 36) on the light path (column 2, lines 32-33); a second lens group (Figure 1, element 42) on said light path (column 2, lines 32-33); and an asymmetric aperture stop (Figure 1, element 39) on said light path (column 2, lines 32-33) between said first (Figure 1, element 36) and second (Figure 1, element 42) groups, said asymmetric aperture stop (Figure 1, element 39) forming a predominately circular aperture (see shape of element 39, Figure 1), said aperture having a side portion thereof blocked (column 9, lines 41-43) by said asymmetric aperture stop (Figure 1, element 39).
- Regarding claims 3, 18 and 24, said side portion comprising a crescent shape portion (i.e. concave and convex sides of element 39 forms a crescent shape; see Figure 1).
- Regarding claims 4, 19 and 25, said side portion comprising a crescent shaped portion encroaching approximately 17% into said aperture (i.e. when element 37 is rotated, the amount of light that passes through element 39 is regulated from the smallest to the biggest part of said crescent shape portion, therefore, it is apparent that a crescent shape portion encroaching approximately 17% into said aperture).
- Regarding claims 20 and 26, a crescent shaped portion (i.e. concave and convex sides of element 39 forms a crescent shape; see Figure 1) is

comprised of at least one straight segment along a boundary between said aperture and said side portion (i.e. straight segment between the concave and convex side of element 39, see Figure 1).

- Regarding claims 21 and 27, said crescent shaped portion (i.e. concave and convex sides of element 39 forms a crescent shape; see Figure 1) comprised of at least one curved segment along a boundary between said aperture and said side portion (i.e. the concave and convex sides of element 39).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lehmann (US Patent Number 1,214,798) discloses a rotatable disc comprising asymmetric apertures, wherein said disc is located between lenses.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2851

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JUDY NGUYEN
PATENT EXAMINER

Magda Cruz
Patent Examiner
June 29, 2005